

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL R. SANTIAGO SR.,

Case No. 1:07-CV-1156

Plaintiff,

v.

Hon. Richard Alan Enslen

JENNIFER GRANHOLM, *et al.*,

ORDER

Defendants.

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Plaintiff Michael R. Santiago Sr. has, after entry of a Judgment which he has appealed, filed a Motion for Leave to Appeal and a Motion to Amend his Complaint. Neither Motion is apt. The Motion for Leave to Appeal is unnecessary because an indigent prisoner since the Circuit's *McGore* decision has had the right to appeal any adverse decision in a civil rights case, notwithstanding whether the appeal is in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 604 (6th Cir. 1997); *Newlin v. Helman*, 123 F.3d 429, 432 (7th Cir. 1997); *Starks v. Reno*, 2000 WL 353526, *2 (6th Cir. Mar. 31, 2000). To the extent that Plaintiff is seeking reconsideration of the adverse appeal certification, that request is denied because Plaintiff has failed to demonstrate a palpable defect requiring a different disposition. *See* W.D. Mich. L. Civ. R. 7.4(a). Plaintiff's Motion to Amend is moot because his request to voluntarily dismiss particular claims is made after entry of the adverse Judgment.

THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Motion to Amend and Motion for Leave to Appeal (Dkt. Nos. 11 & 12) are **DENIED**.

DATED in Kalamazoo, MI:
March 6, 2008

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE